

**JUN 26 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**BIG-D CONSTRUCTION CORP.-  
CALIFORNIA, a Utah corporation,**

**Plaintiff - Appellant,**

**v.**

**LEPRINO FOODS COMPANY;  
MARELICH MECHANICAL CO., INC.,  
a California corporation dba University  
Marelich Mechanical; YORK  
INTERNATIONAL CORPORATION,  
dba York Heating and Air Conditioning  
aka Tork International/Frick, a Delaware  
corporation; C & L COATINGS, INC., a  
California corporation; CONSOLIDATED  
ELECTRICAL DISTRIBUTORS, INC.;  
CALIFORNIA ELECTRIC SUPPLY, a  
Delaware corporation; NORTHRIDGE  
EQUIPMENT CO., a California  
corporation; MORRIS LEVIN AND SON;  
JCH ENTERPRISES, INC., a California  
corporation; STAINLESS  
DISTRIBUTORS, a California  
corporation; KELLEY PIPE LP, a  
California limited partnership;  
NATIONAL WATERWORKS, INC., a  
Delaware corporation; VIKING READY**

**No. 05-15226**

**D.C. No. CV-03-06354-REC**

**O R D E R \***

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

MIX CO., INC., a Delaware corporation;  
LABOR READY SOUTHWEST, INC., a  
Washington corporation; A C ELECTRIC  
COMPANY, a California corporation;  
AMERICAN SPECIALTY  
INSULATION, INC., a California  
corporation; CONTROL AND DESIGN,  
INC., a California corporation;  
AMERICAN LANDSCAPE, INC., a  
California corporation; GLOBAL  
INDUSTRIAL CONTRACTORS, INC.,

Defendants - Appellees.

Appeal from the United States District Court  
for the Eastern District of California  
Robert E. Coyle, Senior Judge, Presiding

Argued and Submitted October 21, 2005  
San Francisco, California

Before: THOMAS and W. FLETCHER, Circuit Judges, and MAHAN,\*\*  
District Judge.

Pursuant to the stipulation by the parties, filed June 20, 2006, this appeal is  
DISMISSED with prejudice, and each party shall bear its own costs and fees.

A copy of this order served on the district court shall constitute the mandate  
of this court.

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\*\* The Honorable James C. Mahan, United States District Judge for the  
District of Nevada, sitting by designation.